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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Apr 14, 2021

SEAN F. McAVOY, CLERK

LISE R.<sup>1</sup>,

Plaintiff,

vs.

ANDREW M. SAUL,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:20-cv-03110-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g)**

**ECF Nos. 17, 27**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 27, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Thomas Elsberry represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 27**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the

4 Commissioner of Social Security for further administrative proceeding pursuant to

5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Provide Plaintiff an opportunity for a new hearing, if a fully favorable  
9 decision is not issued on remand;
- 10 • Further evaluate the Listings, including but not limited to Listing 4.11;
- 11 • Reconsider the medical evidence;
- 12 • Further evaluate Plaintiff's subjective complaints, and provide  
13 rationale in accordance with the disability regulations pertaining to  
14 evaluation of symptoms;
- 15 • Further evaluate Plaintiff's residual functional capacity;
- 16 • If warranted, obtain supplement vocational expert testimony to clarify  
17 the effect of the assessed limitations on Plaintiff's occupational base;  
18 and
- 19 • Issue a new decision.

20 See ECF No. 27 at 1-2.

3. Judgment shall be entered for PLAINTIFF.

**4. Plaintiff's Motion for Summary Judgment, ECF No. 17, is STRICKEN AS MOOT.**

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, enter **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED April 14, 2021.

s/Mary K. Dimke

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MARY K. DIMKE

## UNITED STATES MAGISTRATE JUDGE